

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

CIVIL NO. 5:98CV29

**BETTY G. BROWN, Individually and)
as Executrix of the Estate of)
Everette C. Brown, Deceased;)
CAROL JEAN BYNUM, Individually)
and as Representative of the Estate)
of Steve W. Bynum, Deceased;)
MAVIS R. MULLIS, Individually and)
as Executrix of the Estate of James)
Parks Mullis, Deceased; DAVID E.)
STEELE, Executor of the Estate of)
Erbie L. Steele, and wife MARIE K.)
STEELE; JANE WALSER,)
Individually and as Executrix of the)
Estate of Wilford D. Walser,)
Deceased; REGINALD B. BALLARD,)
and wife NANCY C. BALLARD;)
EUGENE BEAVER, and wife NITA S.)
BEAVER; MICHAEL E. BILYEU, and)
wife JOEANN G. BILYEU; BRIAN D.)
BOST; EUGENE H. BROOKS, and)
wife JACQUELINE B. BROOKS;)
ERNEST B. BURTON, and wife)
E. INEZ BURTON; JAMES D. COMER,)
and wife JANE B. COMER;)
CHARLES L. CRISP, and wife LINDA)
S. CRISP; HAROLD D. DALTON, SR.;)
DAVID L. EARLS, and wife DEBORAH)
P. EARLS; OLLEN J. FARRIS, and)
wife LINDA JOYCE FARRIS; ARNOLD)
R. FLOYD, and wife RUBY T. FLOYD;)
JAMES D. GILLESPIE, and wife)
WILLA W. GILLESPIE; MADGE L.)
HENSLEY, and husband CHARLES)
T. HENSLEY; DONALD C. HOLLIS;)
CHARLIE R. HORD, and wife)
BEVERLY P. HORD; JACK B.)
HUGHES, and wife SARAH ESTHER)
HUGHES; ARCHIE HUMPHRIES, JR.,)**

and wife MARGARET M.)
 HUMPHRIES; BARBARA R.)
 HUMPHRIES, Executrix of the Estate)
 of Buddy R. Humphries, Deceased;)
 LARRY K. HUMPHRIES, and wife)
 THERESA N. HUMPHRIES;)
 WILLIAM E. JACOBS, and wife)
 EDITH H. JACOBS; BILLY BROWN)
 JARRETT, and wife EVA MAE)
 JARRETT; JAMES A. KISNER, and)
 wife BRENDA G. KISNER; ZENO B.)
 LANCASTER, and wife KATHERINE)
 B. LANCASTER; SAM L. LYNN;)
 CLYDE R. McKNIGHT, and wife)
 MADELYN G. McKNIGHT; WALTER)
 H. MABE, JR., and wife KATHY L.)
 MABE; LEON B. MAUNEY, and wife)
 EUNICE W. MAUNEY; KENNETH H.)
 MOREE, and wife LYNN D. MOREE;)
 MARY ALRIDGE SCRUGGS,)
 Individually and as Executrix of the)
 Estate of Joe Scruggs, Deceased;)
 CORRINE F. SMITH, and husband)
 JERRY L. SMITH; JACKSON J.)
 SMITH, and wife CAROLYN S.)
 SMITH; LLOYD L. SUTTON, and wife)
 MARGARET H. SUTTON; WILLIAM C.)
 THOMAS; CECIL B. THOMPSON,)
 and wife MARGIE B. THOMPSON;)
 WALTER D. THOMPSON;)
 CAROLYN I. WAGNER, Individually)
 and as Executrix of the Estate of)
 Kenneth L. Wagner, Deceased;)
 SARAH B. WALTERS, Individually)
 and as Representative of the Estate)
 of James B. Walters, Deceased; and)
 STEVEN F. HOLLARS, Executor of)
 the Estate of Jack F. Hollars,)
 Deceased, and ARTHURENE S.)
 HOLLARS,)
)
 Plaintiffs,)
)

Vs.)	<u>ORDER</u>
)	
AMCHEM PRODUCTS, INC.;)	
CERTAIN-TEED CORPORATION;)	
GARLOCK, INC.; GENERAL)	
ELECTRIC COMPANY;)	
GEORGIA-PACIFIC CORPORATION;)	
GRANT WILSON, INCORPORATED;)	
OWENS-ILLINOIS, INC.; and 3M)	
COMPANY,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on the parties' joint motion to dismiss with prejudice the claims of Plaintiffs James A. Kisner and wife Brenda G. Kisner, and Jackson J. Smith and wife Carolyn S. Smith, against the Defendant Georgia Pacific Corporation, and to voluntarily dismiss the remaining Plaintiffs' claims without prejudice as to Defendant Georgia-Pacific Corporation. Plaintiffs and Georgia-Pacific are requesting the dismissals pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

Having considered the motions of Plaintiffs and Georgia-Pacific,

IT IS, THEREFORE, ORDERED that the joint motions are **ALLOWED**, and the claims of Plaintiffs James A. Kisner and wife Brenda G. Kisner, and Jackson J. Smith and wife Carolyn S. Smith, against Defendant Georgia-Pacific Corporation be, and the same hereby are, **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the claims of Plaintiffs Betty G. Brown, individually and as Executrix of the Estate of Everett C. Brown, deceased, Carol Jean Bynum, individually and as Representative of the Estate of Steve W. Bynum, deceased, Mavis R. Mullis, individually

and as Executrix of the Estate of James Parks Mullis, deceased, David E. Steele, Executor of the Estate of Erbie L. Steele, deceased, and Marie K. Steele, Jane Walser, individually and as Executrix of the Estate of Wilford D. Walser, deceased, Reginald B. Ballard and wife Nancy C. Ballard, Eugene Beaver and wife Nita S. Beaver, Michael E. Bilyeu and wife Joeann G. Bilyeu, Brian D. Bost, Eugene H. Brooks and wife Jacqueline B. Brooks, Ernest B. Burton and wife E. Inez Burton, James D. Comer and wife Jane B. Comer, Charles L. Crisp and wife Linda S. Crisp, Harold D. Dalton, Sr., David L. Earls and wife Deborah P. Earls, Ollen J. Farris and wife Linda Joyce Farris, Arnold R. Floyd and wife Ruby T. Floyd, James D. Gillespie and wife Willa W. Gillespie, Madge L. Hensley and husband Charles T. Hensley, Steven F. Hollars, Executor of the Estate of Jack F. Hollars, deceased, and Arthurene S. Hollars, Donald C. Hollis, Charlie R. Hord and wife Beverly P. Hord, Jack B. Hughes and wife Sarah Esther Hughes, Archie Humphries, Jr. and wife Margaret M. Humphries, Barbara R. Humphries, Executrix of the Estate of Buddy R. Humphries, deceased, Larry K. Humphries and wife Theresa N. Humphries, William E. Jacobs and wife Edith H. Jacobs, Billy Brown Jarrett and wife Eva Mae Jarrett, Zeno B. Lancaster and wife Katherine B. Lancaster, Sam L. Lynn, Clyde R. McKnight and wife Madelyn G. McKnight, Walter H. Mabe, Jr. and wife Kathy L. Mabe, Leon B. Mauney and wife Eunice W. Mauney, Kenneth H. Moree and wife Lynn D. Moree, Mary Alridge Scruggs, individually and as Executrix of the Estate of Joe Scruggs, deceased, Corrine F. Smith and husband Jerry L. Smith, Loyd L. Sutton and wife Margaret H. Sutton, William C. Thomas, Cecil B. Thompson and wife Margie B. Thompson, Walter D. Thompson, Carolyn I. Wagner, individually and as Executrix of the Estate of Kenneth L. Wagner, deceased, and Sarah B. Walters, individually and as

Representative of the Estate of James B. Walters, deceased, against Defendant Georgia-Pacific Corporation be, and the same hereby are, **DISMISSED WITHOUT PREJUDICE**.

Signed: February 13, 2007

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", written over a horizontal line.

Lacy H. Thornburg
United States District Judge

